

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the License to Conduct Gambling Activities of:)	NO. CR 2009-00220
)	
)	
Billy D. Burrows,)	NOTICE OF ADMINISTRATIVE
Edmonds, Washington)	CHARGES AND OPPORTUNITY
)	FOR AN ADJUDICATIVE
)	PROCEEDING
Licensee.)	

I.

The Washington State Gambling Commission issued Billy D. Burrows the following license: Number 68-15974, Authorizing Card Room Employee Activity with 11th Frame restaurant in Kenmore. The license expires on April 16, 2009, and was issued subject to the licensee's compliance with state gambling laws and rules.

II.

Rick Day, Director of the Washington State Gambling Commission, charges the licensee with the following violations of the Washington State Gambling Act, 9.46 RCW, and WAC Title 230:

- 1) In August 2008, the licensee was arrested during a disturbance at a card room in Everett, Washington. In October 2008, the licensee was charged with Assault in the third degree. As of March 23, 2009, the licensee failed to disclose his criminal charge in violation of WAC 230-06-085(1).¹
- 2) In January 2009, the licensee pled guilty to Assault in the third degree, a felony and a crime involving physical harm to a Snohomish County Sheriff's Deputy. In his Statement of Defendant on Plea of Guilty for his Assault in the third degree charge, the licensee wrote, "...with intent to prevent and resist the lawful apprehension or detention of myself, I did assault another person, to wit: Trooper Anson J. Statema."
- 3) The licensee's failure to disclose his criminal charges and his conviction for assaulting a police officer establishes that the licensee is a threat to the effective regulation of gambling. As a result, the licensee has failed to establish by clear and convincing evidence the necessary qualifications for licensure under RCW 9.46.153(1).
- 4) Grounds, therefore, exist to revoke Billy D. Burrows' license under RCW 9.46.075(1), (4), (7), and (8) and WAC 230-03-085(1), (2), (7), and (8).

¹ In September 2008, a Commission Special Agent received information from another Agent that the licensee had pending criminal charges.

RCW 9.46.075 Suspending or revoking license or permit

The Commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein, The following subsection(s) apply:

- (1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.
- (4) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, willful failure to make required payments or reports to a governmental agency at any level, or filing false reports therewith, or of any similar offense or offenses, or of bribing or otherwise unlawfully influencing a public official or employee of any state or the United States, or of any crime, whether a felony or misdemeanor involving any gambling activity or physical harm to individuals or involving moral turpitude.
- (7) Makes a misrepresentation of, or fails to disclose, a material fact to the Commission.
- (8) Fails to prove, by clear and convincing evidence, that he is qualified in accordance with the provisions of this chapter.

WAC 230-03-085 Suspending or revoking license or permit

We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization,

The following subsection(s) apply:

- (1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.
- (2) Has been convicted of, or forfeited bond on a charge of, or pleaded guilty to a misdemeanor or felony crime involving physical harm to individuals. "Physical harm to individuals" includes any form of criminal assault, any crime involving a threat of physical harm against another person, or any crime involving an intention to inflict physical harm on another person.
- (7) Fails to provide us with any information required under Commission rules within the time required, or, if the rule establishes no time limit, within thirty days after receiving a written request from us.
- (8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by: (a) Prior activities; or (b) Criminal record; or (c) Reputation; or (d) Habits; or (e) Associations.

RCW 9.46.153 Applicants and licensees-Responsibilities and duties

The following subsection(s) apply:

(1) It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted.

WAC 230-06-085 Report criminal actions filed.

The following subsection(s) apply:

(1) Licensees must report to us in writing within thirty days all criminal actions filed against the licensee, any manager of the licensed gambling activity, the business organization, or any person holding a substantial interest in the business organization.
(2) We must receive a copy of the final written decision or settlement within thirty days after the case is resolved.

III.

Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, and WAC Title 230.

The licensee will have the opportunity to have a hearing on the alleged violations.

In order to have a hearing or discuss settlement options, the enclosed REQUEST FOR HEARING must be COMPLETED AND RETURNED to the Gambling Commission *within 23 days* from the date of the mailing of this notice.

Based on RCW 34.05.440, failure to return this document will result in the entry of a default order REVOKING your license.

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

Rick Day, being duly sworn on oath, says: That he has read this Notice of Administrative Charges and Opportunity for An Adjudicative Proceeding for Billy D. Burrows, knows the contents of it, believes it to be true, that he is the Director of the Washington State Gambling Commission, and in that capacity has executed said Notice.

[Signature of Rick Day]

RICK DAY, DIRECTOR

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

I hereby certify that I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy thereof, properly addressed with postage prepaid, by regular and certified mail to each party to the proceeding or his or her attorney or authorized agent.

Dated at Olympia, Washington this 27th day of March, 2009

Communications and Legal Department
Washington State Gambling Commission

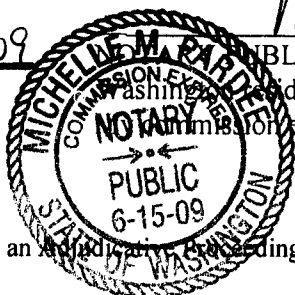
SUBSCRIBED AND SWORN TO before me
this 27 day of March, 2009.

[Signature of Notary]

PUBLIC in and for the State of

Residing at Lacey, WA

Commission expires on June 15, 2009



[Signature of Billy D. Burrows]

Billy D. Burrows